

In the Matter of Certificate of Service No.E-513101
Issued to: CHEN TSEN LIN
DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

325

CHEN TSEN LIN

This appeal comes before me by virtue of 46 United States Code 239(g) and 46 Code of Federal Regulations 137.11-1.

On 11 February, 1949, an Examiner of the United States Coast Guard at New York, New York, revoked Certificate of Service No. E-513101 and all other valid certificates or documents issued to Chen Tsen Lin upon finding him guilty of misconduct based upon evidence to support a specification alleging that while serving as messman on the American SS SAGINAW VICTORY on 10 September, 1948, while the vessel was moored in Boston, Massachusetts, he had in his possession and had concealed narcotic drugs (opium) known to have been imported into the United States contrary to law (21 United States Code 174).

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences through an interpreter; was represented by counsel, and entered a plea of "not guilty" to the charge and specification. At the conclusion of the hearing, the Examiner entered the order of revocation.

This appeal followed, and it is urged by counsel for Appellant that because of the extenuating circumstances listed below the order be reversed:

- (a) Appellant voluntarily and patriotically exposed himself to dangers of enemy airplane and submarine attack while serving with the United States Merchant Marine during the crucial period of World War II, and that his vessel was actually under enemy fire.
- (b) Appellant's record was good throughout his four years of service, except for the present charge.
- (c) Appellant used the opium solely for the purpose of relieving excruciating pains of rheumatism from which he suffered.

Based on a careful study and consideration of the Record in this case, I make the following

FINDINGS OF FACT

On 10 September, 1948, Appellant was serving under authority of Certificate of Service No.E-513101 as messman on the American SS SAGINAW VICTORY, which vessel was then moored in Boston, Massachusetts.

Appellant was searched in Boston, Massachusetts on 10 September, 1948, by a Customs guard and was found to be carrying 28 packages of opium strapped to his legs. After Appellant was questioned, a search of the SS SAGINAW VICTORY resulted in the discovery of 22 more packages of opium hidden on the ship.

Appellant entered a plea of guilty and was convicted in the United States District Court for the District of Massachusetts on 14 December, 1948, for having in his possession and concealing narcotic drugs known to have been imported into the United States contrary to law. He was placed on probation for one year.

OPINION

I am not favorably impressed by the explanation offered by the Appellant. The admitted unlawful possession and use of opium creates a potential menace to himself and his shipmates.

The Coast Guard has an obligation to do whatever it can to discourage the illegal introduction of narcotic drugs into the United States and to prevent potential violators from engaging in a service where such acts may be carried into effect.

CONCLUSION AND ORDER

My review of the Record and consideration of the grounds of appeal in this case do not satisfy me that modification of the Examiner's decision is warranted.

The decision and order of the Examiner dated 11 February, 1949, are affirmed.

J.F.FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 5th day of April, 1949.